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IDAHO PUBLIC
UTILITIES COMMISSION

Attorney for Cassia Wind Farm LLC, Hot Springs Windfarm, LLC,
Bennett Creek Windfarm, LLC, Cassia Gulch Wind Park LLC,
Tuana Springs Energy, LLC, and High Mesa Energy, LLC

BEFORE THE
IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF APPLICATION OF)
IDAHO POWER COMPANY TO UPDATE ITS)
WIND INTEGRATION RATES AND)
CHARGES.)

CASE NO. IPC-E-13-22

PETITION TO INTERVENE OF
CASSIA WIND FARM LLC, HOT
SPRINGS WINDFARM, LLC,
BENNETT CREEK WINDFARM,
LLC, CASSIA GULCH WIND
PARK LLC, TUANA SPRINGS
ENERGY, LLC, AND HIGH MESA
ENERGY, LLC

Pursuant to IDAPA 31.10.01.071-.074 and the Notice of Application Order No. 32961 issued by the Idaho Public Utilities Commission ("Commission") on December 31, 2013 Cassia Wind Farm LLC, Hot Springs Windfarm, LLC, Bennett Creek Windfarm, LLC, Cassia Gulch Wind Park LLC, Tuana Springs Energy, LLC, and High Mesa Energy, LLC, hereinafter referred to collectively as "Intervenors" or the "Intervenors' Wind Projects," hereby petition the Commission for leave to intervene herein and to appear and participate herein as parties, and as grounds therefore state as follows:

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1. The names and addresses of these Intervenor are:

Cassia Wind Farm, LLC
c/o Exelon Wind, LLC
4601 Westown Parkway, Ste. 300
West Des Moines, Iowa 50266

Cassia Gulch Wind Park LLC
c/o Exelon Wind, LLC
4601 Westown Parkway, Ste. 300
West Des Moines, Iowa 50266

Hot Springs Windfarm, LLC
c/o Exelon Wind, LLC
4601 Westown Parkway, Ste. 300
West Des Moines, Iowa 50266

Tuana Springs Energy, LLC
c/o Exelon Wind, LLC
4601 Westown Parkway, Ste. 300
West Des Moines, Iowa 5026

Bennett Creek Windfarm, LLC
c/o Exelon Wind, LLC
4601 Westown Parkway, Ste. 300
West Des Moines, Iowa 50266

High Mesa Energy, LLC
c/o Exelon Wind, LLC
4601 Westown Parkway, Ste. 300
West Des Moines, Iowa 50266

2. These Intervenor will be represented herein by:

Gregory M. Adams (ISB No. 7454)
Richardson Adams, PLLC
515 N. 27th Street
Boise, Idaho 83702
Telephone: (208) 938-7900
Fax: (208) 938-7904
greg@richardsonadams.com

3. Copies of all pleadings, production requests, production responses, Commission orders and other documents should be provided to Mr. Adams at the addresses listed above and to:

Paul Ackerman
Assistant General Counsel
Exelon Business Services Corporation
100 Constellation Way
Baltimore, MD 21202

4. Each of the Intervenor's Wind Projects is qualified to conduct business in the State of Idaho under applicable provisions of Idaho law. Each is a wholly owned subsidiary of Continental Wind, LLC which is an indirect wholly owned subsidiary of Exelon Wind, LLC.

5. Each of the Intervenor's Wind Projects is certified as a qualifying facility ("QF") under the Public Utility Regulatory Policies Act of 1978 ("PURPA"), and each utilizes wind as the renewable fuel source.

6. Each of the Intervenor's Wind Projects is interconnected to the Idaho Power Company ("Idaho Power") electrical system, and each project sells all of its net output to Idaho Power, pursuant to a long-term PURPA Firm Energy Sales Agreement ("FESA").

7. Each of the Intervenor's Wind Projects elected to execute and obligate itself to a FESA containing fixed avoided cost rates for the duration of a 20-year contract term, as provided by federal law and regulation. *See* 18 C.F.R. § 292.304(d)(2)(ii).

8. Cassia Wind Farm, LLC owns and operates a wind generation facility with a maximum nameplate capacity of 10.5 megawatts ("MW") that is designed to produce an average net output of less than 10 MW per month. Cassia Wind Farm, LLC sells its entire net output to Idaho Power under a 20-year FESA executed on April 7, 2006, and approved by the Commission on June 30, 2006. *See* IPUC Order No. 30086. Among the negotiated terms and conditions of the agreement, Cassia Wind Farm, LLC's FESA contains the Commission-approved 90%/110% band provision intended to improve performance of the QF. *See generally* IPUC Order No. 29632. Cassia Wind Farm, LLC also agreed to certain curtailment provisions (referred to as "Cassia redispatch") in a separate Commission-approved agreement with Idaho Power related to transmission upgrades. *See* IPUC Order No. 30414.

9. Hot Springs Windfarm, LLC and Bennett Creek Windfarm, LLC each own and operate a wind generation facility with a maximum nameplate capacity of 21 MW that is designed to produce an average net output of less than 10 MW per month. Hot Springs Windfarm, LLC and Bennett Creek Windfarm, LLC sell their entire net output to Idaho Power

under two separate, 20-year FESAs, each of which was executed on December 20, 2006, amended July 2, 2007, and approved by the Commission on February 20, 2007, and August 8, 2007, respectively. *See* IPUC Order Nos. 30245, 30246, 30398, 30399. Among the negotiated terms and conditions of the FESAs, the Hot Springs Windfarm, LLC and Bennett Creek Windfarm, LLC FESAs each contain the Commission-approved 90%/110% band provision intended to improve the performance of the QF. *See generally* IPUC Order No. 29632.

10. Cassia Gulch Wind Park LLC owns and operates a wind generation facility with maximum nameplate capacity of 18.9 MW, and Tuana Springs Energy, LLC owns and operates a wind generation facility with maximum nameplate capacity of 16.8 MW, which is adjacent to and was constructed as an expansion of Cassia Gulch Wind Park LLC. These two projects sell their entire net output of the combined nameplate capacity of 35.7 MW to Idaho Power under a single, 20-year FESA, which was executed on August 5, 2009, and approved by the Commission on October 5, 2009. *See* IPUC Order No. 30917.¹ This FESA contains negotiated rates generated, in part, from Idaho Power's AURORA economic dispatch model. The negotiated rates incorporate the wind integration charge contained in IPUC Order No. 30488, reducing the fixed avoided cost rates in the FESA, calculated at the time a wind QF project achieves its Operation Date that "will remain fixed throughout the term of the contract." IPUC Order No. 30488 at 8.

11. High Mesa Energy, LLC owns and operates a wind generation facility with maximum nameplate capacity of 40 MW, and sells its entire net output to Idaho Power under a 20-year FESA that was executed on November 16, 2011, and approved by the Commission on

¹ Previously, Cassia Gulch Wind Park LLC sold its entire net output pursuant to a FESA executed in 2006, but that FESA was terminated once Tuana Springs Energy, LLC achieved online status.

February 17, 2012. *See* IPUC Order No. 32462. The High Mesa Energy, LLC FESA contains fixed rates generated in Idaho Power's AURORA economic dispatch model and contains the wind integration charge from IPUC Order No. 30488, reducing the fixed avoided cost rates in the FESA, calculated at the time a wind QF project achieves its Operation Date that "will remain fixed throughout the term of the contract." IPUC Order No. 30488 at 8.

12. As evidenced by the Commission's orders approving the Intervenor's Wind Projects' FESAs, each of the FESAs comports with the orders and requirements of the Commission in effect at the time of execution and approval of the FESAs. Some of the FESAs contain the wind integration charge in effect at the time of execution, while others contain other contractual terms approved by the Commission to account for estimated value of the energy and capacity supplied by intermittent generation. However, each FESA contains fixed avoided cost rates based upon the estimated avoided costs to Idaho Power at the time the Intervenor's Wind Projects obligated themselves to sell net output to Idaho Power over a 20-year term. *See* 18 C.F.R. § 292.304(d)(2)(ii).

13. The Intervenor's Wind Projects are gravely concerned with Idaho Power's proposal in this docket with regard to wind integration charges. Specifically, the Intervenor's Wind Projects would suffer adverse and unlawful economic harm if the Commission were to entertain, let alone adopt, Idaho Power's proposal in this docket to apply an adjustable wind integration tariff to existing projects with FESAs containing long-term, fixed avoided cost rates, or otherwise modify the fixed avoided cost rates in existing FESAs to account for larger-than-expected wind integration costs. Any change to the Commission's wind integration policies with respect to existing QFs with FESAs containing long-term, fixed avoided cost rates could impact the Intervenor's Wind Projects.

14. In fact, it is well-established that federal law prohibits the Commission from subjecting QFs with long-term, fixed avoided cost rate FESAs to ongoing utility-type regulation, such as Idaho Power's proposed reexamination of the fixed rates in existing Idaho wind QFs' FESAs. *See* 16 U.S.C. 824a-3(e). The adjudication of such a request by Idaho Power subjects the Intervenor's Wind Projects to ongoing utility-type regulation in violation of federal law, and threatens to impose on the Intervenor's Wind Projects substantial internal and external costs, such as retention of legal counsel and possibly expert witnesses necessary to protect their interests.

15. Therefore, each of the Intervenor's Wind Projects claims a direct and substantial interest in this proceeding because Idaho Power's Application recommends that the Commission investigate and adopt policies that would have an adverse and unlawful economic impact on the Intervenor's Wind Projects.

16. The Intervenor's Wind Projects intend to participate herein as parties, to file pleadings responding to Idaho Power's Application, and if necessary, to introduce evidence, cross-examine witnesses, call and examine witnesses, and be heard in argument. The nature and quality of pleadings and evidence which the Intervenor's Wind Projects will submit and introduce is dependent upon the nature and effect of other filings and evidence in this proceeding.

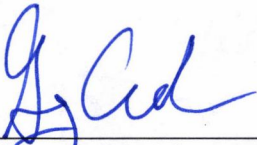
17. Without the opportunity to intervene herein, the Intervenor's Wind Projects would be without any means of participation in this proceeding, which may have severe economic consequences for the Intervenor's Wind Projects.

18. Granting this Petition to Intervene will not unduly broaden the issues, nor will it prejudice any party to this case.

WHEREFORE, Cassia Wind Farm LLC, Hot Springs Windfarm, LLC, Bennett Creek Windfarm, LLC, Cassia Gulch Wind Park LLC, Tuana Springs Energy, LLC, and High Mesa Energy, LLC respectfully request that this Commission grant their Petition to Intervene in these proceedings and to appear and participate in all matters as may be necessary and appropriate.

DATED this 21st day of January, 2014.

RICHARDSON ADAMS, PLLC

By 


Gregory M. Adams

Attorney for Cassia Wind Farm LLC, Hot Springs Windfarm, LLC, Bennett Creek Windfarm, LLC, Cassia Gulch Wind Park LLC, Tuana Springs Energy, LLC, and High Mesa Energy, LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the _____ day of January, 2014, a true and correct copy of the within and foregoing PETITION TO INTERVENE Case No. IPC-E-13-22, was served by hand delivery, to:

Donovan Walker
Julia A. Hilton
Idaho Power Company
1221 West Idaho Street (83702)
PO Box 70
Boise, Idaho 83707-0070
dwalker@idahopower.com
jhilton@idahopower.com



Gregory M. Adams